

Case 21230YP

Applicants elect Group I, Claims 1-45, drawn to compounds and compositions of formula I or II wherein either HET-1 or HET-2 (or both) is/are 1,3-diazine, with traverse. Applicants respectfully assert that the Examiner fails to justify the restriction requirement because contrary to the Examiners' assertion, the present invention of Groups I-IV are related. Even though only one invention may be claimed in a single application, a reasonable number of species of the invention can be claimed if there is an allowable generic claim in the application, which is the case of the present application. Accordingly, there is no additional burden on the part of the Examiner to conduct the prior art search for examination of the present application in total.

As required by the Examiner, applicants further elect the compound of Example 222 as the species, and assert that claims 1, 12, 17, 28, 37, 44 and 45 are identified as encompassing the elected invention.

In view of the above, the Examiner is respectfully requested to withdraw the restriction requirement.

Applicants request clarification with regard to item 11 which is marked with an "X" in the Office Action Summary page. The Examiner objects to the oath or declaration and directs Applicants attention to "the attached Office Action or form PTO-152. However, the Office Action does not object to the oath or declaration and there was no PTO-152 form attached.

Authorization is hereby given to charge any fees which may be due as a result of this petition to Deposit Account No. 13-2755.

Respectfully submitted,

By:

Sylvia A. Ayer

Reg. No. 36,436

Attorney for Applicant(s)

MERCK & CO., INC.

P.O. Box 2000

Rahway, New Jersey 07065-0907

(732) 594-4909

Date: October 9, 2007